LAWS AND RESOLUTIONS

OF THE

STATE OF MONTANA

PASSED AT THE

EXTRA-ORDINARY SESSION

OF THE

ELEVENTH LEGISLATIVE ASSEMBLY

HELD AT HELENA, THE SEAT OF GOVERNMENT OF SAID STATE,
ON DECEMBER 27, 1909

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CERTIFICATE OF AUTHENTICATION.

UNITED STATES OF AMERICA, } ss.
STATE OF MONTANA. }

I, A. N. Yoder, Secretary of State of the State of Montana, do hereby certify that the printed laws contained herein are true and correct copies of all the enrolled laws that were passed at the Extraordinary Session of the Eleventh Legislative Assembly of said State, held at Helena, the seat of government of said state, commencing December 27th, 1909.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of said State. Done at the City of Helena, the seat of government of said State, this thirty-first day of December, A. D. 1909.

(SEAL)

A. N. YODER,
Secretary of State.

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LAWS.

CHAPTER I.

An Act Making Appropriations for the Publicity Department of the Bureau of Agriculture, Labor and Industry from February 28, 1910, to February 28, 1911.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following named sums, or so much thereof as may be necessary, be and the same are hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, for the objects and purposes hereinafter expressed, for the period from February 28, 1910, to February 28, 1911:

Publicity Department of the Bureau of Agriculture, Labor and Industry:

For salary of Assistant Clerk, One Thousand Eight Hundred Dollars.

For salary of Stenographer, One Thousand Two Hundred Dollars.

For expenses of publishing and distributing literature, advertising, office, travelling and all other expenses, Five Thousand Dollars.

Section 2. This Act shall be in effect on and after its approval.

Approved December 30, 1909.

CHAPTER II.

An Act to Provide for the Issue and Sale by the State Board of Examiners of Additional Bonds for the Purpose of Erecting Wings to the State Capitol Building, and to Provide for the Erection of said Wings under the Authority and Direction of the said State Board of Examiners.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The State Board of Examiners of the State of Montana are hereby authorized to issue and dispose of additional bonds for the purpose of erecting wings at the east and west ends

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of the State Capitol Building at Helena, Montana, under the following conditions and restrictions, to-wit:

First: The aggregate amount of bonds authorized by this Act shall not exceed the sum of One Hundred and Fifty Thousand Dollars in excess of the bonds authorized by Chapter 63, Laws of 1909.

Second: The denomination of each bond shall be One Thousand Dollars.

Third: The term of said bonds shall not exceed thirty years from their date, and they shall be payable at any time after fifteen years from their date at the option of the State Board of Examiners.

Fourth: The bonds may bear any rate of interest not in excess of five per cent. per annum and the interest may be payable semi-annually.

Fifth: The principal and interest shall be payable at the office of the State Treasurer at Helena, Montana.

Sixth: The State Board of Examiners shall prescribe the form of bond and the bonds shall bear upon their face the words "Third Issue, Capitol Building Bonds of the State of Montana," and shall be signed by the members of the State Board of Examiners and the great seal of the State of Montana shall be affixed to each bond, and the bonds shall be registered in the office of the State Treasurer.

Seventh: The coupons representing the interest on the bonds shall have lithographic fac-simile signatures of the members of the State Board of Examiners affixed thereon.

Section II. The bonds provided for in this Act shall be disposed of by the State Board of Examiners in such manner as they shall deem for the best interest of the state, provided that no bond shall be disposed of for less than its par value.

Section III. The principal and interest of the bonds, authorized by this Act shall be paid out of the special fund provided for by Section 1240, Revised Codes of Montana of 1907, designated as the "Capitol Building Interest and Sinking Fund," and from said "Capitol Building Interest and Sinking Fund" there shall, as the same becomes due and payable, be paid the interest on said bonds; and it is further provided that it is the duty of the State Board of Land Commissioners whenever there are any funds in the said "Capitol Building Interest and Sinking Fund" over and above the sum of Twenty-five Hundred Dollars, in

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excess of the amount required to pay the yearly interest on the bonds issued pursuant to Section 1238 of the Revised Codes of Montana of 1907, and Chapter 63, Laws of 1909, known as the "Capitol Building Bonds for the State of Montana," and the interest on the bonds provided for by this act to invest such excess funds in the manner set forth and provided in Section 1241 of the Revised Codes of Montana of 1907, and the amount so invested shall constitute a permanent fund to pay the principal of the bonds issued, pursuant to Section 1238 of the Revised Codes, and the bonds issued under authority of Chapter 63, Laws of 1909, and the bonds issued pursuant to this act, but all interest or profit derived from the investment shall be paid into the "State Capitol Building Interest and Sinking Fund" and the principal and interest of the bonds issued pursuant to Section 1238 Revised Codes shall be first liens upon said funds, and the lands granted and belonging to the State for the purpose of erecting buildings at the State Capitol, and the bonds issued pursuant to Chapter 63, Laws of 1909, shall be a second lien upon said funds and lands, and the principal and interest of the bonds authorized by this Act shall be a third lien upon said funds, and all lands granted and belonging to the State for the purpose of erecting buildings at the State Capitol.

Section IV. It is hereby provided and set forth that in the event the State of Montana shall at any time provide and pay the interest, or any part thereof, on the bonds authorized by this Act from the general fund of the State, or by any special appropriation made or taxes levied therefor, then for any and all interest so paid, the state shall be reimbursed from the said "Capitol Building Interest and Sinking Fund" by the payment of the amount so paid whenever there is sufficient money in said "Capitol Building Interest and Sinking Fund," to pay the same after paying the principal and interest due on the bonds issued pursuant to Section 1238 of the Revised Codes of Montana of 1907, and Chapter 63, Laws of 1909.

Section V. The State Treasurer is hereby designated as the custodian of the funds provided by this Act, and he shall pay all warrants properly drawn by the State Auditor, save and except as to the interest on the bonds which he shall pay as the same become due, and charge the amount thereof to the "Capitol Building Interest and Sinking Fund," hereinbefore referred to.

Section VI. Whenever any bonds authorized by this Act shall

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become due and payable and there is sufficient funds to pay the same, they shall be called in and paid in the order of their issuance, beginning with the lowest number.

Section VII. The cost and expense of issuing the bonds provided for by this Act may be paid out of the proceeds from the sale thereof and be chargeable to the expense of the construction of said wings to the Capitol Building.

Section VIII. In the event there shall not at any time be sufficient money in the "Capitol Building Interest and Sinking Fund" to pay the interest when due, the State Board of Examiners shall, by an order entered on their minutes or record books, cause warrants to be issued on the said "Capitol Building Interest and Sinking Fund" for the amount of interest due, and the warrants, so issued, shall be registered in the office of the Treasurer of the State, and shall bear interest at the rate of five percent per annum, and said warrants shall be paid by the State Treasurer whenever there is sufficient money accumulated in said funds to pay the same, after paying the interest on the said bonds issued, pursuant to Section 1238 of the Rvised Codes of Montana of 1907, and Chapter 63, Laws of 1909, and by reason of the delivery of said warrants to the holders of said bonds, and the surrender of said interest coupons, there shall be no default in the payment of interest.

Section IX. Nothing in this Act shall be so construed as to in any wise hold the State of Montana liable for the payment of the bonds herein authorized or the interest thereon, except as to the lien heretofore created against the lands and funds granted for the purpose of erecting buildings at the State Capitol and such liens shall not be abridged or set aside until the bonds authorized by this Act shall have been fully paid, together with interest thereon, and the Governor is hereby especially authorized and empowered to use all lawful means to enforce the provisions of this Act.

Section X. All moneys received from the sale of the bonds, authorized by this Act, shall be paid to the State Treasurer, and shall be placed in a special fund for the erection of the said wings to the State Capitol Building, and shall be disbursed by the State Treasurer on warrants properly drawn by the State Auditor pursuant to the order of the State Board of Examiners.

Section XI. Upon the sale of the bonds authorized by this Act it shall be the duty of the State Board of Examiners to pro-

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ceed with the erection and completion of wings at the east and west ends of the State Capitol Building. In furtherance of this purpose said Board shall procure plans and specifications in such manner as the Board shall direct under proper and safe conditions, or said Board may use the same plans and specifications already adopted under the provisions of said Chapter 63, Laws of 1909, with such changes and modifications therein as in the judgment of the Board may appear necessary and proper; provided, that the Board in adopting any changes or modifications will do so with the view of eventually refacing the present building with granite, in the event that granite can be used in said wings under this bond issue. The Board may employ, with the consent of the designing architect any skilled and reputable architect, as supervising architect of said wings if in its judgment the best interest of the State would be subserved thereby.

Section XII. The architect whose plan is selected by the Board shall receive such compensation as the Board shall deem reasonable. He shall prepare all plans, specifications and details for all contracts for construction and material for said wings, and if employed by the Board to superintend the construction of said wings he shall see that all material furnished and work done shall be of the best quality, and that all contracts with said Board are faithfully performed by the parties contracting with said Board for work or material. He shall perform all other duties devolving upon him as supervising architect and may be removed at the pleasure of said Board. Neither said architect or any of his subordinates or assistants shall be in any way connected with any work done or material furnished for said wings, or any contracts therefor, or shall have any interest therein either directly or indirectly. He shall furnish bond to the State of Montana in the sum of Fifteen Thousand Dollars with a fidelity company authorized to do business under the laws of this state as surety, conditioned for the faithful performance by said architect, his assistants, and subordinates, of his and their duties as herein prescribed, provided that the superintendents and contractors shall be citizens of the State of Montana.

Section XIII. The Board may appoint a specially qualified person to act as superintendent of the construction of said wings. It shall be his duty to see that all contracts made with the Board are faithfully performed, that all material furnished and work

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done shall be as required by law, or the contract therefor, and that all duties imposed upon the architect are faithfully performed by him and his subordinates, and that no provisions of this act are violated, provided however, that such person shall be a citizen of the state of Montana.

Section XIV. The wings of said Capitol Building shall be constructed of granite building stone procured from some quarry in the State of Montana, and the owners of all quarries of granite building stone in the State of Montana shall be afforded an opportunity to submit to the State Board of Examiners samples of stone taken from such quarries together with bids for furnishing the same; provided, however, that if suitable granite building stone can not be obtained at a price which will insure the completion of said wings within the amount of such additional bond issue authorized by this act, that the Board shall then proceed with the completion of said wings pursuant to the provisions of said Chapter 63, Laws of 1909 and the contract heretofore entered into by the Board thereunder.

Section XV. The entire construction and furnishing of said wings shall be completed by the first day of September, 1911; and the said Board shall at the earliest practical date after the passage of this act, and before the issuance of the bonds herein authorized, advertise for and receive bids for the furnishing of granite in the construction of said wings.

Section XVI. All disbursements on account of the erection of said wings shall be made pursuant to the orders of said Board. All claims, bills and demands for labor performed, or materials furnished, shall be presented to the Board in duplicate, and shall be fully itemized, and shall be passed upon by said Board only at regular sessions thereof, and after careful examination of every item named, if found correct, they shall audit the same, reserving one duplicate and transmitting the other to the State Auditor with directions to the State Auditor to draw his warrant on the special fund for the erection of the wings to the State Capitol Building for the amount allowed, and to the order of the person named in said order, provided that no order shall be issued by the State Board of Examiners in excess of the amount received from the sale of the bonds authorized by this Act.

Section XVII. This Act shall be in full force and effect from and after its passage and approval.

Approved December 30th, 1909.

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